

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVID FERNANDEZ and JOEY  
FERNANDEZ,

Plaintiffs,

- against -

THE CITY OF NEW YORK, et al.,

Defendants.

**ORDER**

17 Civ. 789 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

On December 29, 2020, this Court scheduled a trial date for October 5, 2021. (Dkt. No. 118) The trial calendar issued by the Clerk's Office for the fourth quarter of 2021 assigned the trial in this case to a list of "alternate" trials for the week of October 4, 2021. The trial calendar also assigned a criminal trial on this Court's docket to October 6, 2021, even though that trial had been scheduled for a date later in the month of October. While it is possible that the criminal trial assigned to October 6, 2021 will be resolved or adjourned, as of now, the Court expects that it will proceed on that date.

Accordingly, given the trial assignments, it appears highly unlikely that the trial in this case can proceed as scheduled. If we are unexpectedly permitted to proceed, we will likely receive very little advance notice.

The Court is aware both that this case has been pending for some time, and that the uncertainty regarding courtroom availability presents practical difficulties for the parties. By **September 24, 2021**, the parties will submit a joint letter proposing other trial dates in the second quarter of 2022. The Court will request a courtroom for a date in the second quarter, and

advise the parties of what trial date, if any, this case is assigned.

Dated: New York, New York  
September 20, 2021

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe". The signature is written in a cursive, flowing style. The first letter "P" is large and prominent. The signature is positioned above a horizontal line.

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Paul G. Gardephe  
United States District Judge